



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/800,664	03/16/2004	Zechary Chang	TAIW 219	2257

7590 07/20/2007  
RABIN & BERDO, P.C.  
Suite 500  
1101 14 Street, N.W.  
Washington, DC 20005

EXAMINER
----------

UTAMA, ROBERT J

ART UNIT	PAPER NUMBER
----------	--------------

3714

MAIL DATE	DELIVERY MODE
-----------	---------------

07/20/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/800,664	<b>Applicant(s)</b> CHANG ET AL.	
	<b>Examiner</b> Robert J. Utama	<b>Art Unit</b> 3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 16 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 March 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION*****Drawings***

1. The drawings are objected to because a typographical error was found in FIG. 1 item number 140 "event triggering module" was spelled as "even" and FIG. 5A and 5B are dark and illegible. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Objections***

2. Claim 1 is objected to because of the following informalities: a typographical error of the word "procude". Appropriate correction is required.
3. Claim 8-13 objected to because of the following informalities: Claim 8 appears to be directed toward an apparatus, however, it also refers to a method. Hence the examiner cannot determine if claim 8-13 should be treated as a method claim or as an apparatus claim. Appropriate correction is required.

***Claim Rejections - 35 USC § 101***

4. 35 U.S.C. 101 reads as follows:

Art Unit: 3714

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

5. Claims 1-13 rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claims 1-13 are directed towards a computer program (or game). Such claimed computer programs do not define any structural and functional interrelationships between the computer program and other claimed elements of a computer, which permit the computer program's functionality to be realized. Hence, the examiner takes the position that such claim language is considered to be non-statutory subject matter (see MPEP 2106.01).

***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. **Claim 1-13 rejected under 35 U.S.C. 102(b) as being anticipated by Wasowicz US 6,435,877.**

**Claim 1:** Wasowicz provide a teaching of a computer program combined with progressive learning language learning system that comprises of: a playing module, used to provide playing process and receives operation control to execute playing process (see col. 5:55-67); a playing element database used to store playing elements needed by the playing process of said playing mode (see FIG. 2 item 64); a playing operating unit, used to receive operation control to the playing process, then retrieves at least one playing element from said playing element database to produce said corresponding playing process and receives said operating control to the playing process (see col. 6:45-67); a user control interface, used to provide said operation control to playing process and learning process (see FIG. 3 item 100); an event triggering module, requesting corresponding learning process according to a triggered event produced

Art Unit: 3714

during the playing process (see FIG. 15); a learning module used to provide the learning process according to predetermined learning mode and receives the operation control to execute the learning process that comprises of a language element database (see FIG. 3 item 110); a learning executing unit, according to said triggered event, retrieving at least one language element to produce said corresponding learning process and receiving said operation control to said learning process (col. 5:55-67) and a learning adjustment unit, used to adjust to said playing mode and learning mode according to learning and evaluation control (see FIG. item 250 and 264).

**Claim 2 and 13:** Wasowicz provides a teaching of combined progressive learning system having a control system where the user control interface comprises of procedure to provide playing mode (FIG. 4 item 120, 122 and 124) and learning mode (FIG. 5 item 130, 132 and 134).

**Claim 3 and 11:** Wasowicz provides a teaching of language learning system wherein the triggered events comprise of two types: active triggered event (see FIG. 31 614 and 618) and passive triggered event (see FIG 31 item 606).

**Claim 4:** Wasowicz provides a teaching of language learning system wherein the learning adjustment further comprises of learning recording and evaluating during said learning process (col. 14:65-col. 15:7).

**Claim 5 and 12:** Wasowicz provides a teaching of language learning system wherein the learning adjustment further comprises for storing said learning record when said playing process and said learning process are terminated (see col. 7:5-20).

**Claim 6 and 9:** Wasowicz provides a teaching of language learning system wherein said learning mode is selected from the group consisting of alphabets and words (see FIG. 5 and 6).

**Claim 7 and 10:** Wasowicz provides a teaching where the language elements are one selected from the group consisting of sound (col. 3:9-15) and image (FIG 23 item 440).

Art Unit: 3714

**Claim 8:** Wasowicz computer game combined progressive language learning method, which comprises the step of: activating game and determine a playing mode and a learning mode (see FIG 4 and 5); executing game initialization and starting a playing progress according to said playing module (col. 7:50-67); activating said learning mode and executing a corresponding learning progress as a triggered event occur (col. 12:14-39); recording and evaluating learning records in said learning process and store the learning records (col. 7:5-13) and adjusting said learning module and said playing mode instantaneously according to said learning records (col. 6:35-45).

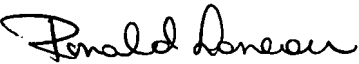
### ***Specification***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert J. Utama whose telephone number is (571) 272-1676. The examiner can normally be reached on M-F 9:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Pezutto can be reached on (571)272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

RU

  
**RONALD LANEAU**  
**PRIMARY EXAMINER**  
**ART UNIT 3714**

7/18/07